



General Assembly

Substitute Bill No. 6511

January Session, 2009

* _____HB06511GAE__051509_____*

**AN ACT CONCERNING TRANSPARENCY AND OVERSIGHT OF
GASOLINE MARKETS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Sections 2 to 9, inclusive, of
2 this act shall be known and may be cited as the "Gasoline
3 Transparency and Oversight Act".

4 Sec. 2. (NEW) (*Effective from passage*) As used in sections 2 to 9,
5 inclusive, of this act:

6 (1) "Distributor" has the same meaning as provided in subdivision
7 (3) of section 14-327a of the general statutes;

8 (2) "Fuel" means regular unleaded gasoline;

9 (3) "Major retailer" means any person who annually sells at retail to
10 consumers in this state more than one million gallons of fuel;

11 (4) "Major fuel supplier" means any person who owns fuel as it
12 enters the state for purposes of selling such fuel in the state;

13 (5) "Person" has the same meaning as provided in section 14-1 of the
14 general statutes;

15 (6) "Relevant time period" means July 1, 2008, to June 30, 2009,

16 inclusive; and

17 (7) "Wholesale rack prices" means wholesale prices at which major
18 fuel suppliers sell branded or unbranded fuel to any other person,
19 including, but not limited to, a supplier, distributor or retailer, but
20 does not include any state or federal taxes, rebates, discounts, tax
21 incentives or transportation costs. Wholesale rack prices include, but
22 are not limited to, posted rack prices for fuel at bulk terminals.

23 Sec. 3. (NEW) (*Effective from passage*) On or before October 1, 2009,
24 each major fuel supplier and person who sells fuel at wholesale rack
25 prices shall file with the Department of Consumer Protection, on forms
26 prescribed, prepared and furnished by said department, a certified
27 statement showing the following information: (1) The amount of fuel
28 owned by such supplier that entered the state; (2) the amount of fuel
29 owned by the supplier or seller that was brought to a wholesale rack
30 location; and (3) the amount of such fuel from each wholesale rack
31 location sold to another person, including a distributor or retailer and
32 the price per unit of fuel, which may be the wholesale rack price and
33 dealer tank wagon price, that was charged to each person. For
34 purposes of this section, the amount of fuel data shall be filed for the
35 months of January, 2009, and June, 2009. The daily price data shall be
36 filed weekly during the relevant time period.

37 Sec. 4. (NEW) (*Effective from passage*) On or before October 1, 2009,
38 each distributor shall file with the Department of Consumer
39 Protection, on forms prescribed, prepared and furnished by said
40 department, a statement showing the amount of gasoline sold to
41 gasoline retailers in each municipality of this state during the months
42 of January, 2009, and June, 2009, aggregated by monthly total number
43 of gallons sold in each municipality to which such gasoline was
44 delivered. Such form shall not indicate the name of the distributor.
45 Each distributor shall submit on a separate form a certified affidavit
46 under penalty of law that it has filed the anonymous required filing
47 and complied with the information requirement of this section.

48 Sec. 5. (NEW) (*Effective from passage*) On or before October 1, 2009,
49 each major retailer shall file with the Department of Consumer
50 Protection, on forms prescribed, prepared and furnished by said
51 department, a certified statement showing the following information
52 for the relevant time period: For each day during the relevant time
53 period, the retail price for fuel charged by such retailer.

54 Sec. 6. (NEW) (*Effective from passage*) The Department of Consumer
55 Protection may, within available appropriations, purchase price data
56 from data service companies that said department may use to assist in
57 analyzing retail and wholesale fuel price and supply data. The
58 Department of Consumer Protection shall prescribe applicable
59 standards and practices for reporting to facilitate uniformity,
60 consistency and comparability of the data to be submitted pursuant to
61 this section.

62 Sec. 7. (NEW) (*Effective from passage*) The Department of Consumer
63 Protection shall analyze such information received pursuant to
64 sections 2 to 9, inclusive, of this act and issue a report to the joint
65 standing committees of the General Assembly having cognizance of
66 matters relating to energy and consumer protection issues. Such report
67 may contain recommendations for administrative or legislative action
68 and findings concerning the gasoline market in Connecticut. The
69 department may refer such information to the appropriate state or
70 federal agency for law enforcement purposes or may initiate such legal
71 action as deemed appropriate.

72 Sec. 8. (NEW) (*Effective from passage*) Information reported pursuant
73 to sections 2 to 9, inclusive, of this act shall be considered trade secrets
74 and proprietary and confidential in nature and shall be exempt from
75 disclosure pursuant to chapter 14 of the general statutes. Such
76 information shall be maintained by the Department of Consumer
77 Protection and shall not be disclosed to any person or entity, public or
78 private, except that such information may be disclosed to a person or
79 entity, public or private, if such information is aggregate in form and
80 does not disclose or attribute any data to a particular company.

81 Sec. 9. (NEW) (*Effective from passage*) (a) The Department of
 82 Consumer Protection shall notify those persons who have failed to
 83 timely provide the information required by sections 3 to 5, inclusive, of
 84 this act. The Attorney General may issue a civil investigative demand
 85 for information required pursuant to sections 3 to 5, inclusive, of this
 86 act.

87 (b) If a person wilfully fails to supply information not later than
 88 twenty-one business days after being notified of the failure to provide
 89 the required information pursuant to subsection (a) of this section or if
 90 such person fails to comply with a civil investigative demand issued
 91 pursuant to subsection (a) of this section, such person shall forfeit and
 92 pay to the state a civil penalty of not less than one thousand dollars per
 93 day or more than five thousand dollars per day for each day the
 94 submission of information is refused or delayed. The Attorney
 95 General, acting in the name of the state, may petition for recovery of
 96 such penalties.

97 (c) If any person or any employee of any person wilfully, and with
 98 the intent to defraud, makes any false statement, representation or
 99 certification in any record, report, plan or other document filed with
 100 the Department of Consumer Protection pursuant to sections 3 to 5,
 101 inclusive, of this act, the Attorney General, upon petition to the court,
 102 may recover, on behalf of the state, a civil penalty not to exceed five
 103 thousand dollars. For purposes of this subsection, a wilful violation
 104 occurs when the party committed the violation knew or should have
 105 known that such conduct was a violation of sections 3 to 5, inclusive,
 106 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section

Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*

GAE *Joint Favorable*